

March 26, 2019

Regular meeting of the Mayor and Council of the Borough of Victory Gardens, held on March 26, 2019.

Mayor Holeman called the meeting to order and declared a quorum present.
Pledge of Allegiance to the Flag of Our Country.
Please remain standing for a moment of silence for our military.

This meeting has been advertised in one newspaper, The Daily Record, in compliance with the New Jersey Open Public Meeting Act.

ATTENDANCE: Councilwoman Cheatham, Councilman Glass, Councilwoman Hedgepath.
Councilwoman White, Councilman Lorenzo, Councilwoman Garcia Montes.

ABSENT: None

** Attorney Feintuch was also present at this meeting.

Motion to accept the minutes of March 12, 2019 as received by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

CORRESPONDENCE:

Anderson & Denzler - We had the bid opening on March 13, 2019 for the Improvements to Polk and Adams Avenue. The bids ranged from \$77,643.38 from American Asphalt & Milling Services, LLC to a high of \$122,062.00 from Diamond Construction. The NJDOT funding for this project is \$110,000.00. American Asphalt & Paving, LLC has the necessary experience and equipment. It is our recommendation that the contract be awarded at the March 26, 2019 meeting to American Asphalt & Milling, LLC in the amount of \$77,643.38.

Resignation Letter from Tax Collector - Thank you for all your help over the years, but due to my failing health I wish to go on notice at this time of my retirement. Please move forward on interviewing for my replacement and advise me when I am covered.

H.O. Baker - Valerie Williams stated at one of our last meetings that she has not been contacted by H.O. Baker since she said she was filing a claim. I spoke to Jennifer who is handling the claim and asked her if she has contacted Ms. Williams yet. She said she had and sent me a copy of the email she sent to Valerie. It states: Deb Evans from the Borough of Victory Gardens has advised me that you are requesting to make a claim. Can you please advise the following information - and then she listed what she is waiting for from Valerie. She said that she has not heard from Valerie since she sent her the email back on February 26, 2019.

Community Development - Valerie has come before the Council saying that she is losing the grant for her steps. Again, I called the County to find out what is going on with her steps. I spoke with Hugh O'Gorman who is in charge of her application. He said "I never said to Valerie that she is not getting the grant. However, she has to comply with the time parameters and requirements of the program. In addition, she should construct the steps on the property she clearly owns. So when I was talking to him, he said her grant is still in effect. It is good until September 2019 at which time she would have to do a recertification for the income. He said he told her time and again that the steps must be built on her property and no encroaching on the Borough property.

Councilman Glass asked if the Clerk could make that available to Barrie because it was brought up at the Planning Board meeting. Yes I will.

Motion to accept the correspondence by Councilwoman Montes, seconded by Councilman Lorenzo and approved on verbal vote. None opposed.

VOUCHERS:

The Mayor asked if there were any questions on the vouchers? Hearing none, he asked for a motion to pay the bills. Motion made by Councilman Glass, seconded by Councilwoman Montes and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilwoman White	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Yes

VOUCHER REPORTSDate of Council Meeting:
March 26, 2019

<u>Voucher #</u>	<u>Payable to:</u>	<u>Type of Service</u>	<u>Amount</u>
3-025	Anderson & Denzler Assoc., Inc.	Escrow Pl. Bd. & Engineering	8,617.63
3-026	AT&T	Utilities	6.23
3-027	Cargill, Inc. (Road Salt)	Streets & Roads - two deliveries	3,867.98
3-028	Daily Record	Clerk OE	147.66
3-029	Deborah Evans	Clerk OE - Petty cash receipts	32.09
3-030	Dover Board of Education	School Taxes	82,183.58
3-031	Dover Municipal Court	Muni. Court Dover	1,529.82
3-032	Henry O. Baker Ins. Group #1	Other Insurance	458.00
3-033	Henry O. Baker Ins. Group #2	Other Insurance	7,637.00
3-034	Ideal Air Inc.	Bldgs. & Grnds.	350.00
3-035	JCP&L #1	Fire OE	104.67
3-036	JCP&L #2	Utilities - Borough Hall	443.62
3-037	JCP&L #3	Street Lighting	643.83
3-038	JLM Computers	Clerk OE	190.00
3-039	MGL Printing Solutions	Tax Collector OE	48.00
3-040	Morris County MUA	Streets & Roads - Feb. Shade tree	286.00
3-041	NJNG	Utilities - Borough Hall	917.00
3-042	Optimum	Utilities - Borough Hall	11.45
3-043	Peter Rubineti Private Disposal, LLC	Trash Removal	10,733.33
3-044	Philip Feintuch, ESQ	Legal Services OE	2,062.91
3-045	R&L DataCenters, Inc.	Payroll	250.00
3-046	RVRSA	RVRSA Share	9,677.00
3-047	Sherwin Williams Co.	Streets & Roads - speed bump paint	145.48
3-048	Town of Dover	Fire OE	16,500.00
3-049	Treasurer, State of NJ, Dept. of Child. Marriage Licenses		125.00
3-050	Treasurer, State of NJ, NJDCA	State Training Fees, Jan - March 2019	30.25
3-051	Verizon	Utilities - 366-5312	248.87
		TOTAL	147,247.40

DEPARTMENT REPORTS:

Building Department - 1 Permit issued for the month of March. Total value of construction \$4,500.

Property Maintenance Report - Everyone has a copy. Councilman Glass asked where a sidewalk was on Franklin? On the opposite end next to the ShowPlace.

Municipal Court - We received \$30.52 .

Tax Collector - Total Tax Receipts Month To Date: \$344,816.54
" " " Year To Date: \$399,502.94

Registrar - 2 marriage licenses issued. Total collected: \$56.00

Finance Officer - No report.

Committee Reports:

Councilwoman White - The Easter Party is scheduled for April 13, 2019 from 1-3 p.m. at the firehouse.

Councilman Glass - Eddie is on vacation for 4 weeks. I spoke with Hector today.

Councilwoman Hedgepath - We interviewed a new Tax Collector. She agreed upon \$9,000 for a salary. She wanted more but we were able to get her down. She lives in Chester. She worked in Mendham. She is a part time collector in Green Township. She has a long history of doing this type of work. I did some research on her and she is a pillar of the community. She also sits on her Council. What are we paying our current collector? \$7,786. Did we go out to bid on this? You don't go out to bid. Do you mean was it advertised? Yes. No, it was not advertised. I just got the letter from Lorraine. This was a recommendation from Derek. We also asked a few other people but they never responded. We had to get someone in here as soon as possible because she wants to leave right away. When we asked around we were asking about salary and everyone wants more than this applicant. Did Joe say we could cover this in the budget? I left a note for him but I haven't heard back from him. Councilwoman Montes said we are supposed to advertise in the newspaper. You don't have to do that the Clerk said. But we should. The Attorney said this is why you have Committees. They look over these matters and bring it to the Council for approval. Council didn't know that we needed a Collector. You're right. Like I said I just got the letter from Lorraine. I called Derek and Joe to see if there was anyone they knew of. Mark works in other towns and he said he would ask around. I called a few towns. No one got back to me. Lorraine asked a few people. No one responded. Is the personnel committee recommended this person? Yes.

Councilwoman Montes made a motion to have an ad put in the paper. Seconded by Councilman Lorenzo. The ad will be in for Saturday and Sunday, March 30 and 31. We will have people respond by Wednesday at 4:00 p.m. which is April 3.

Roll call:	Councilwoman Cheatham	Yes
	Councilman Glass	Yes
	Councilwoman Hedgepath	Yes
	Councilwoman White	Yes
	Councilman Lorenzo	Yes
	Councilwoman Garcia Montes	Yes

The Committee will have a recommendation for the next meeting.

Councilman Lorenzo - There are 4 storm drains that need to be repaired. The Clerk said we are aware of them. Leon has been out to look at them and will get a quote for us.

Councilwoman Garcia Montes - Nothing at this time.

Motion to accept and put on file all reports by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

NEW BUSINESS:

AWARD OF CONTRACT FOR POLK AND ADAMS AVENUES - The Attorney said he reviewed the documents for this project. He finds everything to be in order with this company that Leon Hall recommended. American Asphalt & Milling, LLC was the lowest bidder. Cost of the project is \$77,643.38 .

Motion to award the project to American Asphalt & Milling LLC. Motion made by Councilman Lorenzo, seconded by Councilman Glass and approved on roll call:

Councilwoman Cheatham	Yes
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilwoman White	Yes
Councilman Lorenzo	Yes
Councilwoman Garcia Montes	Abstain

OLD BUSINESS:

PUPPY MILL ORDINANCE - Phil said his office sent something over but we haven't received it yet. In one of sections in the code, we have prohibited uses. We are adding puppy mills to that ordinance. The Attorney said we don't know where puppies come from so how would that be enforced? This ordinance says no puppie mills in the Borough. Councilman Glass asked if we heard back from the Board of Health? No, we haven't heard back from them.

We will introduce this at the next meeting.

LETTER FROM PAST FIRE DEPARTMENT MEMBERS - The Attorney said he really doesn't understand what this is about. Our past fire department members, some of them, went over to New York after the 9/11 incident. Our Mayor at the time, John Palovitz, said they could go when they asked him. I don't believe, as I looked back in minutes, that it was ever something that was approved by the Council. That was just the Mayor telling them to go. From what Kevin Nunn is saying, they aren't looking for anything from the Borough except a letter that says we allowed them to go. There is a victim compensation fund that has been set up where they can get medical help and services if they are getting sick. The ones that went are hving health issues. I do remember John Palovitz saying it was okay for them to go.

Attorney Feintuch said to give him Kenin Nunns phone number and he will call him.

The Clerk asked the Attorney to tell the Council what he told her in regards to the case in Superior Court with Valerie Williams. We had a trial on Friday in Superior Court. When you appeal a municipal court decision there is no testimony. The testimony is the transcrips from the municipal court. We won but the Judge was concerned with the costs. She was fined \$1,250. The superior court judge can adjust this if he wishes. There was bill for Barrie. The Judge asked if she was an employee of the Borough and we said yes. Therefore, she is not allowed to be paid extra. There was a bill from Leon Hall in the amount of \$2,500. Then there was a bill from Denville Line Painting for \$900. Debbe said that Leon said not to bill Valerie for the line painting as we are doing work on Adams Avenue in the Spring and painting lines is part of the project.

Councilwoman Montes said to remove the \$900 for Denville Line Painting. The Clerk asked the Attorney about his bills. The town shouldn't have to pay for your bills. This case was because of Valerie. The Attorney said he will put it in his bills as part of the money requested.

The Mayor asked for approval of having the Clerk sign the certification once the Attorney changes the figures. Motion to have her sign by Councilwoman Hedgepath, seconded by Councilwoman White. Roll call:

Councilwoman Cheatham	Abstain
Councilman Glass	Yes
Councilwoman Hedgepath	Yes
Councilwoman White	Yes
Councilman Lorenzo	Abstain
Councilwoman Garcia Montes	Abstain

The Clerk said there is a tie and the Mayor needs to break the tie. The Mayor voted yes.

FINANCIAL DISCLOSURE STATEMENTS - We were just noticed that you can start filing on March 30. Deadline is April 30, 2019.


Motion to open the meeting to the public by Councilwoman Montes, seconded by Councilman Glass and approved on verbal vote. None opposed.

Jim Janone - In regards to Lorraine retiring, why would you want to pay someone more. The Mayor said we will see how many people will apply. She wanted more money. I think the League advertises for free. I don't know why you are advertising on the weekends. Sealed bids any other towns, the Engineer comes to the meetings and opens the bids at that time. No, not all towns do that. The Attorney said there is no regulation or law that says it should be done that way. It doesn't get awarded until it is reviewed. The County gave a 2% raise to their employees. You may want to reconsider your 5%. In regards to Debbie D. getting an extra \$4,000 you may want to reconsider that. Why would you give her that much of a raise if she isn't going to be your Clerk? Once Debbie announces that she is retiring then do it. Maybe it is an incentive to keep her here so she doesn't go somewhere else. Well, she can come back and ask for more after that. Debbie didn't ask for an additional money. Councilwoman Montes asked if we can put a stipulation with that saying if she leaves within 3 years she has to pay us back for her schooling? No, you can't do that. Thank you for your opinion.

Motion to close the meeting to the public by Councilwoman Montes, seconded by Councilwoman Cheatham and approved on verbal vote. None opposed.

Motion to adjourn the meeting by Councilwoman Montes, seconded by Councilwoman Hedgepath and approved on verbal vote. None opposed.

Submitted By:

A handwritten signature in cursive script that reads "Deborah Evans". The signature is written in dark ink and is positioned above the printed name and title.

Deborah Evans
Borough Clerk